

ORDINANCE NO. 990819-74

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

TWO TRACTS OF LAND CONSISTING OF 13.1454 ACRES OUT OF THE THEODORE BISSELL LEAGUE NO. 18, FROM FAMILY RESIDENCE (SF-3) DISTRICT TO TOWNHOUSE & CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT AND RURAL RESIDENCE (RR) DISTRICT, LOCALLY KNOWN AS 8401 WEST GATE BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Zoning Map established by Chapter 25-2-191 of the City Code is amended to change the base zoning districts on the property described in File C14-99-0033, as follows:

Tract 1: From Family Residence (SF-3) district to Townhouse & Condominium Residence-Conditional Overlay (SF-6-CO) combining district.

A 13.1454 acre tract of land out of the Theodore Bissell League No. 18, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, SAVE AND EXCEPT a 1.5902 acre tract of land described below as Tract 2.

Tract 2: From Family Residence (SF-3) district to Rural Residence (RR) district.

A 1.5902 acre tract of land being a portion of that 13.1454 acre tract of land out of the Theodore Bissell League No. 18, in Travis County, Texas, the 1.5902 acre tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance,

locally known as 8401 West Gate Boulevard, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "C".

PART 2. The property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A 75 foot wide buffer zone shall be maintained along the easternmost property line adjacent to the neighboring residential property. Improvements permitted within this buffer zone referenced in this ordinance shall be limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

2. Residential development on the Property shall be constructed at a density of 96 dwelling units.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the Townhouse and Condominium Residence(SF-6) base district and other applicable requirements of the City Code.

PART 3. The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on August 30, 1999.

PASSED AND APPROVED

August 19, 1999

§
§
§ Kirk Watson

Kirk Watson
Mayor

APPROVED: Andrew Martin
Andrew Martin
City Attorney

ATTEST: Shirley A. Brown
Shirley A. Brown
City Clerk

EXHIBIT 'A'

STATE OF TEXAS §
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COUNTY OF TRAVIS §

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 13.1454 acres situated in the Theodore Bissell League No. 18, Travis County, Texas, being that same 13.15 acre tract described as Exhibit "A" in a deed from Southwest Texas, Inc. to Austin Horizon I L.P. recorded in Volume 11812, Page 751 of the Deed Records of Travis County, Texas and is more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod set in the northeast right-of-way line of Cameron Loop for the most westerly southwest corner of Cherry Creek, Phase 8, Section 4, a subdivision as shown on a map or plat thereof recorded in Book 83, Page 125-A of the Map Records of Travis County, Texas, and is also the southwest corner of a strip of land dedicated as right-of-way by the said subdivision, the set iron rod bears S34°21'47"W, 19.71 feet from a 1/2" iron rod found for the southwest corner of Lot 76, Block "K" of said Cherry Creek, Phase 8, Section 4;

THENCE, N60°04'54"W, with the said northeast right-of-way line of Cameron Loop, 657.90 feet to a 1/2" iron rod found for the most southerly corner of West Gate Boulevard right-of-way, as is dedicated by and shown on a map or plat of Cherry Creek, Phase 8, Section 2A, a subdivision being the most westerly corner of the 13.15 acre tract of land;

THENCE, leaving the northeast line of Cameron Loop and following the southeast right-of-way line of Westgate Boulevard (90.00 foot right-of-way) and the northwesterly line of the 13.15 acre tract, with the following five (5) courses:

- 1) N31°19'26"E, for a distance of 19.45 feet to a 1/2" square bolt found for the point of curvature of a non-tangent curve to the right;
- 2) With a curve to the right having a central angle of 90°03'37", a radius of 20.00 feet, a long chord of 28.30 feet (chord bears N15°14'17"W) for an arc distance of 31.44 feet to a 1/2" iron rod found;
- 3) N29°56'30"E, for a distance of 37.02 feet to a 1/2" iron rod found at the point of curvature of a curve to the right;
- 4) With the said curve to the right having a central angle of 24°47'35", a radius of 655.00 feet, a long chord of 281.23 feet (chord bears N42°19'42"E) for an arc distance of 283.43 feet to a 1/2" iron rod found;
- 5) N54°43'43"E, a distance of 96.15 feet to a 1/2" iron rod found for the southwest corner of Lot 1, Block K as shown on a map or plat of Cherry Creek, Phase 8, Section 2A, a subdivision recorded in Book 84, Pages 39C through 40A of the said Plat Records of Travis County, Texas;

THENCE, N69°45'29"E, leaving the westerly right-of-way line of West Gate Boulevard with the northwesterly line of said 13.15 acre tract, a distance of 358.38 feet to a 1/2" iron rod set for an angle point;

THENCE, N73°35'46"E, continuing with said northwesterly line of the 13.15 acre tract, at 108.55 feet pass a 1/2" iron rod found 0.21 feet to the left for the southeast corner of the aforementioned Lot 1, Block K of Cherry Creek, Phase 8, Section 2A, and the southwest corner of Lot 5, Block K of Cherry Creek, Phase 8, Section 5A, a subdivision as shown on a map there of record in Book 84, Pages 54D-55A of the Travis County Map Records, at 247.24 feet pass a 1/2" iron rod found for the common corner between Lots 5 and 6, Block K, at 350.32 feet pass a 1/2" iron rod

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found for the common corner between Lots 6 and 7 of Block K, at 444.02 feet pass a 1/2" iron rod found for the common corner between Lots 7 and 8, Block K, at 504.05 feet pass a 1/2" iron rod found for the common corner between Lots 8 and 9, Block K, at 563.95 feet pass a 1/2" iron rod found for the common corner between Lots 9 and 10, Block K, at 623.95 feet pass a 1/2" iron rod found 0.21 feet to the left for the common corner between Lots 10 and 11, Block K, at 683.98 feet pass a 1/2" iron rod found 0.38 feet to the left for the common corner between Lots 11 and 12, Block K, for a total distance of 709.21 feet to a calculated point in the southeast line of said Lot 12, being an angle point in Lot 60, Block K of said Cherry Creek, Phase 8, Section 4, said point bears S75°46'42"W, 0.08 feet from a 1/2" iron rod found in base of wood fence for an angle point;

THENCE, S28°20'55"W, leaving the southerly line of Cherry Creek, Phase 8, Section 5-A, with the easterly line of 13.15 acre tract, being the westerly line of Cherry Creek, Phase 8, Section 4, at a distance of 69.12 feet pass a 1/2" iron rod found for the common westerly corner between Lot 60 and Lot 61, Block K, Cherry Creek, Phase 8, Section 4, at 283.13 feet pass a 1/2" iron rod found for the common westerly corner of Lots 63 and 64, Block K, for a total distance of 337.10 feet to a 1/2" iron rod found for an angle point, being the common westerly corner of Lots 64 and 65, Block K, of the said subdivision;


THENCE, S41°04'33"W, with the common line of the 13.15 acre tract and Cherry Creek, Phase 8, Section 4, at a distance of 61.09 feet pass a 1/2" iron rod found 0.08 feet to the right for the common westerly corner of Lots 65 and 66, Block K, at 122.04 feet pass a 1/2" iron rod found 0.20 feet to the right for the common westerly corner of Lots 66 and 67, Block K, at 620.59 feet pass a 1/2" iron rod found for the common westerly corner of Lots 72 and 73, Block K, at 680.68 feet pass a 1/2" iron rod found for the common westerly corner of Lots 73 and 74, Block K, for a total distance of 706.02 feet to a 1/2" iron rod found for an angle point;

THENCE, S34°21'47"W, continuing with the above said common line between the 13.15 acre tract and Cherry Creek, Phase 8, Section 4, at a distance of 41.31 feet pass a PK nail found 0.20 feet to the right for the common corner of Lots 74 and 75, Block K, at 67.04 feet pass a 1/2" iron rod found for that common corner of Lots 75 and 76, at a distance of 177.69 feet pass a 1/2" iron rod found for the southwest corner of Lot 76, Block K, Cherry Creek, Phase 8, Section 4, for a total distance of 197.40 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 13.1454 acres of land area.

That I, Jerry Fuhs, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 13 day of
DEC., 1996.




JERRY FUHS
Registered Professional Land Surveyor
No. 1999 - State of Texas

STATE OF TEXAS §
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COUNTY OF TRAVIS §

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 1.5902 acres situated in the Theodore Bissell League No. 18, Travis County, Texas, being a portion of that 13.1454 acre tract conveyed to CalTex Holdings Inc. by a deed recorded in Volume 12843, Page 1239 of the Real Property Records of Travis County, Texas being that same 13.15 acre tract described as Exhibit "A" in a deed from Southwest Texas, Inc. to Austin Horizon I L.P. recorded in Volume 11812, Page 751 of the said Real Property Records of Travis County, Texas and is more particularly described by metes and bounds as follows:

COMMENCING at a calculated point found in the southeast line of Lot 12, Block "K" of "Cherry Creek, Phase 8, Section 5-A" a subdivision of record in Book 84, Page 54-D of the Map Records of Travis County Texas for the most northerly corner of the said 13.1454 acre tract; a 1/4" iron rod found bears N75°46'42"E, 0.08 feet;

THENCE, S73°35'46"W, with the common line between the 13.1454 acre tract and said "Cherry Creek Phase 8, Section 5-A" subdivision, 158.00 feet to the calculated POINT OF BEGINNING of the herein described tract;

THENCE, leaving the above said common line and crossing through the 13.1454 acre tract with the following five (5) courses;

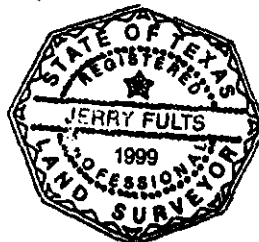
- 1) S16°24'14"E, 105.00 feet to a calculated point;
- 2) S74°50'36"W, 565.34 feet to a calculated point;
- 3) S73°27'58"W, 104.03 feet to a calculated point;
- 4) S66°12'41"W, 107.65 feet to a calculated point;
- 5) S79°13'14"W, 60.83 feet to a calculated point in the northerly line of the above said 13.1454 acre tract and the southeast line of Lot 1, Block "K" of "Cherry Creek Phase 8, Section 2-A", a subdivision of record in Book 84, Page 39-C" of the said Map Records of Travis County Texas, said point bears N69°45'29"E, 97.00 feet from a 1/4" iron rod found for an angle point in the said northerly line of the 13.1454 acre tract, and the most southerly corner of said Lot 1, Block "K";

THENCE, N69°45'29"E, with the northerly line of the 13.1454 acre tract 261.38 feet to a 1/2" iron rod found for an angle point in the southeast line of above said Lot 1;

THENCE, N73°35'46"E, continuing with the above said northerly line of the 13.1454 acre tract and the southeast line of "Cherry Creek Phase 8, Section 2A", and "Cherry Creek Phase 8, Section 5-A", subdivision, 551.21 feet to the POINT OF BEGINNING and CONTAINING with in these metes and bounds 1.5902 acres of land area.

That I, Jerry Fults, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 17 day of MAY, 1999.



Jerry Fults
JERRY FULTS
Registered Professional Land Surveyor
No. 1999 - State of Texas

EXHIBIT "B"

990819-74

Austin American-Statesman

PO#: 99081974
Ad ID#: 9TK304600
Acct#: 5124992499
Account Name: CITY CLERKS OFFICE

CITY CLERKS OFFICE
PO BOX 1088
AUSTIN, TX 78767

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis,
State of Texas, on this day personally appeared:

SHARON THOMAS

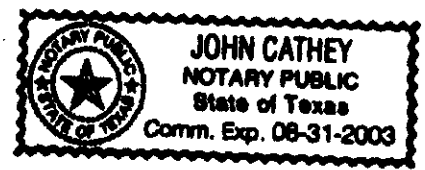
Classified Advertising Agent of the Austin American-Statesman, a daily newspaper
published in said County and State that is generally circulated in Travis, Hays, Burnet
and Williamson Counties, who being duly sworn by me, states that the attached
advertisement was published in said newspaper on the following dates, to wit:

First Published:	10/2/99	Last Published:	10/2/99
Times Published:	1	Classification:	9980
Lines:	20	Cost:	\$66.80

and that the attached is a true copy of said advertisement.

Sharon Thomas

SWORN AND SUBSCRIBED TO BEFORE ME, this the 4th day of October 1999



John Cathey
Notary Public in and for
TRAVIS COUNTY, TEXAS

ORDINANCE NO. 99081974
AN ORDINANCE REZONING AND
CHANGING THE ZONING MAP A.C.
COMPLYING CHAPTER 252 OF
THE CITY CODE AS FOLLOWS:
TWO TRACTS OF LAND CONSISTING
OF 13.184 ACRES OUT OF THE
THEODORE BEBEL LEASE NO. 18,
FROM FAMILY RESIDENCE (F-3) DISTRICT TO TOWNHOUSE & CONDOMINIUM RESIDENCE-CONDOMINIUM OVERLAY (SF-6-00) COMBINING DISTRICT AND RURAL RESIDENCE (RR) DISTRICT, LOCATED TOWN AS 8011 WEST GATE BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.
Mayor, John Westcott
City of Austin